

AGREEMENT BETWEEN
THE REPUBLIC OF BULGARIA
AND
THE FEDERATIVE REPUBLIC OF BRAZIL
ON SOCIAL SECURITY

The Republic of Bulgaria,

and

the Federative Republic of Brazil

hereinafter referred to as "the Contracting Parties", imbued with the desire to regulate their relationship on Social Security matters, agree as follows:

PART I
GENERAL PROVISIONS

Article 1

Definitions

1. For the purpose of this Agreement:

- (a) the term "national" means a person of the nationality of either Contracting Party;
- (b) the term "legislation" means any laws, regulations and other statutory instruments which are in force in the whole or any part of the territory of each Contracting Party and which relate to the social security branches and schemes specified in Article 2;
- (c) the term "competent authority" means the minister, ministers or other corresponding authority responsible for the social security branches and schemes in all or any part of the

territory of each Contracting Party,

(d) the term "competent institution" means the body or authority responsible for applying all or part of the legislation of each Contracting Party;

(e) the term "benefit" means all benefits or pensions including all components thereof provided out of public funds as well as all increases, revaluation, allowances or supplementary allowances, unless otherwise specified in this Agreement;

(f) the term "residence" means ordinary residence, legally established in each Contracting Party;

(g) the term "stay" means temporary residence;

(h) the term "period of insurance" means:

- As regards Bulgaria: period of insurance, considered as such under the legislation of Bulgaria; and

- As regards Brazil: the period of contributions or any equivalent periods, considered as such under the legislation of Brazil.

(i) the term "refugee" has the meaning assigned to it in Article 1 of the Convention on the Status of Refugees, signed at Geneva on 28 July 1951, and in Article 1, paragraph 2, of the Protocol on the Status of Refugees of 31 January 1967;

(j) the term "stateless person" has the meaning assigned to it in Article 1 of the Convention on the Status of Stateless Persons, signed at New York on 28 September 1954;

(k) the expression "family members" means:

- As regards Bulgaria: the people defined or recognized as such by the Bulgarian legislation;

- As regards Brazil: the dependents as defined under the Brazilian legislation.

2. Other terms and expressions which are used in this Agreement shall have the meanings respectively assigned to them in the legislation of each Contracting Party.

Article 2

Material scope

1. This Agreement shall apply to the following legislation:

- As regards Bulgaria: the legislation, governing the pensions from the state social insurance:

a) pension for periods of insurance and age; invalidity pensions because of general disease, occupational injury and occupational disease;

b) survivors' pensions resulting from any of the aforesaid kinds.

- As regards Brazil: the laws, governing the General Regime of Social Security and the Civil Servants Social Security Regimes regarding old age pension, survivors and invalidity insurance programs.

2. Subject to paragraph 3 of this Article, this Agreement shall also apply to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph 1 in this Article.

3. This Agreement does not apply to legislation introducing a new scheme of social security.

Article 3

Personal scope

This Agreement shall apply to all persons who are or have been subject to the legislation of one or both of the Contracting Parties, as well as members of family or dependents and survivors of such persons insofar as their rights derive from those persons, subject to the applicable legislation of each Contracting Party.

Article 4

Equal treatment

Unless otherwise provided in this Agreement, the following persons shall, while residing in the territory of either Contracting Party, have the same rights and obligations under the legislation of that Contracting Party as its own nationals:

- (a) nationals of the other Contracting Party;
- (b) refugees and stateless persons;
- (c) members of the family or dependents, and survivors, irrespective of their nationality, of the persons mentioned in subparagraphs (a) and (b) with regard to rights which derive from such persons.

Article 5

Export of benefits

The benefits granted under the legislation of one Contracting Party shall not be reduced, modified, suspended, ceased or canceled, exclusively due to the fact that the persons, mentioned in Article 3, reside in the territory of the other Contracting Party.

PART II

APPLICABLE LEGISLATION

Article 6

General rules

Unless otherwise provided in this Agreement:

- (a) an employed person who works within the territory of one of the Contracting Parties shall, with respect to that employment, be subject only to the legislation of that Contracting Party;
- (b) a self-employed person who follows his occupation in the territory of either Contracting Party shall be subject to the legislation of that Contracting Party, even if he resides in the territory of the other Contracting Party;
- (c) civil servants of either Contracting Party and persons deemed as such shall be subject to the legislation of the Contracting Party in whose administration they are employed.

Article 7

Detached workers

1. A person who is employed in the territory of either Contracting Party and who is detached by his employer to the territory of the other Contracting Party to perform certain work there whilst staying in paid employment with the same employer, shall continue to be subject to the legislation of the first Contracting Party for the duration of that work as if he were still employed in the territory of that Contracting Party, provided that the anticipated duration of the work does not exceed a period of 24 months even if the period is in fractions.
2. A person who is normally self-employed in the territory of either Contracting Party and who performs work in the territory of the other Contracting Party shall continue to be subject to the legislation of the first Contracting Party, provided that the anticipated duration of the work does not exceed 24 months, even if the period is in fractions.
3. A person who was already subject to the provisions of paragraphs 1 or 2 of this Article for a total period of 24 months, even if the period is in fractions, shall not be subject again to those provisions, unless one year has elapsed since the end of the preceding detachment.

Article 8

Personnel of international air transport companies

1. A person, who is a member of flying personnel of a company, which, for hire or reward or on its own account, operates international air transport services for passengers or goods and has its registered office in the territory of either Contracting Party, shall be subject to the legislation of that Contracting Party.
2. Where the company in paragraph 1 has a branch or permanent representation in the territory of a Contracting Party other than that in which it has its registered office, a person who is employed by such branch or permanent representation shall be subject to the legislation of the Contracting Party in whose territory such branch or permanent representation is situated.

Article 9

Crew members on vessels

1. A person who is employed on board a vessel flying the flag of either Contracting Party shall be subject to the legislation of that Contracting Party.
2. Workers employed on loading, unloading, ship repairing and port monitoring services shall be subject to the laws of the Contracting Party where their working port is located.

Article 10

Diplomatic missions and consular posts

1. According to the Vienna Convention on Diplomatic Relations of April 18, 1961 and the Vienna Convention on Consular Relations of April 24, 1963, members of diplomatic

missions or consular posts of either Contracting Party as well as persons employed in the private service of officials of such missions or posts, who are posted to the receiving State, shall be subject to the legislation of the sending State.

2. Persons employed by one of the Contracting Parties that are hired on the territory of the other Contracting Party to work on a diplomatic mission or a consular post of the first Contracting Party are subject to the legislation of the second Contracting Party. They may choose to apply the legislation of the first Contracting Party within three months from the beginning of their work activity or from the date of entry into force of this Agreement.

Article 11

Exceptions to the provisions of Articles 6 to 10

The competent authorities of the two Contracting Parties may agree on exceptions to the provisions of Articles 6 to 10 in the interest of any person or category of persons, provided that the affected person or persons are subject to the legislation of either Contracting Party.

PART III

PROVISIONS CONCERNING BENEFITS

SECTION 1

GENERAL PROVISIONS

Article 12

Independent benefit

Where the person concerned satisfies the conditions under the legislation of either of the Contracting Parties without regard to the provisions of totalization of insurance periods of the other Contracting Party, the competent institution of the first Contracting Party shall calculate the benefits solely on the basis of the periods completed under the legislation it applies.

Article 13

Totalization of periods of insurance

1. Where the legislation of either Contracting Party makes entitlement to benefits conditional upon the completion of periods of insurance, the competent institution of that Contracting Party shall take account, to the extent necessary, of periods of insurance completed under the legislation of the other Contracting Party, in so far as they do not overlap, as if they were periods of insurance completed under the legislation of the first Contracting Party.

2. Where the legislation of either Contracting Party makes the granting of benefits conditional on the person concerned or, in the case of survivors' benefits on the deceased, having been subject to that legislation at the time at which the contingency arose, such condition shall be deemed to be fulfilled if the person concerned or the deceased, as appropriate, was subject at that time to the legislation of the other Contracting Party or,

failing that, if the person concerned or the survivor can claim corresponding benefits under the legislation of the other Contracting Party.

Article 14

Award of benefits

1. Where a person has been subject to the legislation of both Contracting Parties, the institution of each Contracting Party shall determine, in accordance with the legislation it applies, whether such person qualify for benefit, having regard, where appropriate, to the provisions of Article 13, whether the periods do not overlap.

2. Where the person concerned does not satisfy the conditions specified in Article 12 under the legislation of either Contracting Party, regard being had only to the provisions of Article 13, the competent institution of this Contracting Party shall calculate the benefit as follows:

(a) the competent institution shall calculate the theoretical amount of benefits payable if all the periods completed under the legislation of both Contracting Parties had been completed solely under the legislation which that institution applies;

(b) the competent institution shall then calculate the actual amount of benefit payable by it to the person concerned on the basis of the theoretical amount calculated in accordance with the provisions of sub-paragraph (a) of this paragraph, as appropriate, and in proportion to the relationship between the periods completed before the contingency arose under the legislation it applies and the total of the periods completed before the contingency arose under the legislation of both Contracting Parties.

Article 15

Period of insurance of less than one year

1. Notwithstanding the provisions of Article 13, where the total duration of the periods of insurance completed under the legislation of a Contracting Party is less than one year and where, on the basis solely of those periods, no right to benefit exists under that legislation, the institution of the Contracting Party concerned shall not be bound to grant benefit in respect of the said periods.

2. The periods of insurance referred to in the preceding paragraph shall be taken into account by the institution of the other Contracting Party for the purpose of applying the provisions of Article 13, as if those periods had been completed under the legislation it applies.

SECTION 2

SPECIAL PROVISIONS

Article 16

Pensions under special regime according to the Bulgarian legislation

1. For the purposes of the Bulgarian legislation where the granting of certain benefits is conditional upon the completion of a certain period in an occupation covered by a special regime or in a specified occupation or employment, the competent institution of Bulgaria shall take into an account Brazilian periods of insurance completed under a corresponding

regime or, in the absence of such a regime, in the same occupation or in the same employment.

2. The periods, appointed in the previous paragraph, will be presented to the Bulgarian competent institution, the latter will calculate these periods for the purposes of totalization without conversion.

Article 17

Pensions for invalidity due to occupational diseases

1. Where a person contracts an occupational disease after engaging in an occupation liable to cause that disease under the legislation of both Contracting Parties, any benefit to which he may be entitled shall be awarded exclusively under the legislation of the last of those Contracting Parties whose conditions are satisfied, regard being had, where appropriate, to the provision of paragraphs 2 to 4 of this Article.

2. If the legislation of either Contracting Party makes the granting of benefits for occupational diseases conditional upon the disease in question being first diagnosed according to the legislation of this Contracting Party, that conditions shall be deemed to have been fulfilled if the disease was first diagnosed according to the legislation of the other Contracting Party.

3. If the legislation of either Contracting Party explicitly or implicitly makes the granting of benefits for occupational diseases conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to cause such a disease, the competent institution of that Contracting Party, when ascertaining the time at which the occupation in question was carried on in the territory of the other Contracting Party shall, to the extent necessary, take account of any similar occupation engaged in under the legislation of the other Contracting Party as if it had been engaged in under the legislation of the first Contracting Party.

Article 18

Periods of insurance completed in a Third State

If a person is not eligible for a benefit on a basis of the periods of insurance completed under the legislation of both Parties, even after the periods of insurance have been totalized as provided in Article 13, the eligibility of that person for that benefit shall be determined by totalizing those periods and periods of insurance completed under the legislation of a Third State with which either Contracting Party is bound by a social security agreement which guarantees the totalization of periods, provided those periods do not coincide.

PART IV

MISCELLANEOUS PROVISIONS

Article 19

Administrative co-operation

1. The competent authorities of both Contracting Parties shall determine the administrative

measures necessary for the application of this Agreement by signing an Administrative agreement and approving of the corresponding forms.

2. The competent authorities of both Contracting Parties shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their national legislation in so far as these changes affect the application of this Agreement.

3. The competent authorities of both Contracting Parties shall designate liaison bodies for the purpose of facilitating the implementation of this Agreement.

4. The competent authorities and institutions of the two Contracting Parties shall assist one another on any matter relating to the application of this Agreement as if the matter affected the application of their own legislation. Such assistance shall be free of charge.

5. If a person resides or stays in the territory of either Contracting Party has claimed, or is receiving, benefit under the legislation of the other Contracting Party and a medical expertise is necessary, the competent institution or the institution of the place of residence or of temporary residence of the first Contracting Party shall arrange for such expertise if the competent institution of the latter Contracting Party so requests.

6. Unless disclosure is required under the legislation of either Contracting Party, any information about an individual which is sent to that Contracting Party by the other Contracting Party in accordance with, and for the purposes of, this Agreement shall be deemed confidential and be used only for the purpose of implementing this Agreement and the legislation to which this Agreement applies.

Article 20

Use of official languages

1. For the purposes of the application of this Agreement, the authorities and the institutions of the two Contracting Parties may communicate with one another and with any interested persons, whatever their place of residence, directly in their official languages.

2. No claim or document shall be rejected on the ground that it is written in an official language of the other Contracting Party.

3. The competent institutions may provide exceptions from the previous paragraphs in the Administrative agreement.

Article 21

Exemption from charges and authentication

1. If the legislation of either Contracting Party provides that any certificate or other document which is submitted under the legislation of that Contracting Party shall be exempt, either wholly or partly, from any taxes, legal dues, consular fees or administrative charges, such exemption shall apply to any certificate or other document which is submitted under the legislation of the other Contracting Party or in accordance with this Agreement.

2. All statements, documents and certificates of any kind required to be produced for the purposes of this Agreement shall be exempt from authentication by diplomatic or consular authorities.

Article 22

Submission of a claim or appeal

Any claim or appeal which should, for the purposes of the legislation of either Contracting Party, have been submitted within a prescribed period to an institution of that Contracting Party shall be treated as if it had been submitted to that institution if it is submitted within the same period to a corresponding institution of the other Contracting Party.

Article 23

Recovery of undue payments

Where the institution of either Contracting Party has paid to a beneficiary a sum in excess of his entitlement, that institution may, on the conditions and to the extent permissible under the legislation it applies, request the institution of the other Contracting Party responsible for the payment of benefit to that person to deduct the amount overpaid from the payments it is making to him. The latter institution shall deduct that amount to the extent to which such deduction is permissible under the legislation it applies, as if the overpayment had been made by it, and shall transfer the amount so deducted to the creditor institution.

Article 24

Recognition of decisions

Enforceable decisions of either Contracting Party as well enforceable documents issued by an authority or institution of either Contracting Party, in respect of social security shall be recognized in the territory of the other Contracting Party.

Article 25

Currency of payment

1. The Competent institution of a Contracting Party shall determine the right to benefits established in accordance with its own legislation and the Agreement in the currency of that Contracting Party.
2. The payment of benefits resulting from the execution of this agreement shall be made directly to beneficiaries in the territory of the other Contracting Party, and shall be performed in freely convertible currency, according to the relevant legislation.

Article 26

Resolution of disputes

1. The Competent authorities of both Contracting Parties shall make all reasonable efforts to resolve any dispute about the interpretation or application of this agreement.
2. Any dispute that could not be resolved as established on the paragraph above shall be settled between the Parties through diplomatic channels.

PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 27

Transitional provisions

1. This Agreement shall confer no rights for any period before its entry into force.
2. All periods of insurance completed under the legislation of a Contracting Party before the entry into force of this Agreement shall be taken into account for the purpose of determining rights arising from this Agreement.
3. Subject to paragraph 1 of this Article, rights may arise under this Agreement even in respect of a contingency which arose before its entry into force.
4. Any benefits due only by virtue of this Agreement shall be determined, at the request of the person concerned and in accordance with the provisions of this Agreement, with effect from the entry into force of this Agreement.
5. Where the request referred to in paragraph 4 of this Article is submitted within two years of the entry into force of this Agreement, the rights arising in accordance with the provisions of this Agreement shall be acquired as from that date, and those provisions of the legislation of either Contracting Party concerning the prescription or limitation of rights shall not be invoked against the person concerned.
6. Any benefit which has been determined before the date of entry into force of this Agreement shall not be recalculated.

Article 28

Duration and Termination of Agreement

1. This Agreement shall remain in force indefinitely. Either Contracting Party may denounce it for the end of a calendar year by giving three month notice in writing to the other Contracting Party.
2. If this Agreement is terminated, the rights acquired under this Agreement shall be maintained.
3. The rights in the process of being acquired related to periods previous to the date that the Agreement termination entered into force shall not be extinct due such termination.

Article 29

Entry into force

1. This Agreement shall enter into force on the first day of the third month following the month in which each Contracting Party shall have received from the other Contracting Party a written notification through the diplomatic channel that it has fulfilled all the requirements for the entry into force of this Agreement.

2. This Agreement may be supplemented at any time in writing by mutual consent of the Contracting Parties. Such changes shall enter into force after the procedures described in Paragraph 1 of this Article are performed.

Done in duplicate at Brasilia, this 1 day of February 2016, in Bulgarian, Portuguese and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For The Republic of Bulgaria

For The Federative Republic of Brazil
